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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,657	02/22/2001	Etsuko Himoto	43890-464	5521
20277	7590	09/20/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			MENBERU, BENIYAM	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/701,657	Applicant(s) HIMOTO ET AL.	
	Examiner Beniyam Menberu	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 6 is/are allowed.
- 6) ☒ Claim(s) 4-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/13/2005</u> . | 6) <input type="checkbox"/> Other: ____  |

***Response to Arguments***

1. Applicant's arguments, see pages 2-7, filed January 7, 2005, with respect to claims 1-3 and 6 have been fully considered and are persuasive. The rejection of claims 1-3 and 6 has been withdrawn.
2. Applicant's arguments, see pages 7-9, filed January 7, 2005, with respect to the rejection(s) of claim(s) 4-5 under Nami et al. (US. 5162860) in view of Sugimoto et al. (US. 6274282) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent No. 5633662 to Allen et al for claim 4 and U.S. Patent No. 5633662 to Allen et al in view of U.S. Patent No. 6084689 to Mo for claim 5.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5633662 to Allen et al.

Regarding claim 4, Allen et al disclose a method of color correction used in outputting a color image on a recording paper by superposing a plurality of coloring materials, said method of color correction being characterized by controlling a total amount of said coloring materials (column 4, lines 56-63), and comprising the steps of: obtaining individual amounts of said coloring materials composing the color image (column 5, lines 53-58); obtaining the total amount of said coloring materials from the individual amounts of said coloring materials (column 5, lines 53-58); adjusting the total amount of said coloring materials into a match with a threshold and adopting the threshold as a reference table value, if the threshold in the reference table value is smaller than the total amount of said coloring materials (column 6, lines 4-14, Figure 2; column 6, lines 66-67; column 7, lines 1-12); and adopting the total amount of said coloring materials as it is, as a reference table value, if the threshold is greater than the total amount of said coloring materials (column 5, lines 58-67, Figure 2; column 6, lines 66-67; column 7, lines 1-12).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5633662 to Allen et al in view of U.S. Patent No. 6084689 to Mo.

Regarding claim 5, Allen et al teach all the limitations of claim 4. However Allen et al does not disclose the method of color correction according to claim 4, wherein the total amount is controlled by adjusting amounts of coloring materials other than a coloring material of black color, in a case where one of said plurality of coloring materials is black.

Mo disclose the method of color correction, wherein the total amount is controlled by adjusting amounts of coloring materials other than a coloring material of black color, in a case where one of said plurality of coloring materials is black(Figure 4B, reference 422; Figure 5, reference 502, 512; column 10, lines 27-59; K" is equal K' but C", M", Y" is changed. ).

Allen et al and Mo are combinable because they are in the similar problem area of color printing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the color amount controlling method of Mo with the color printing system of Allen et al to implement color amount controlling method for colors other than black color.

The motivation to combine the reference is clear because Mo teaches that saturation level can be reduced by reduction of C, M, Y components (column 5, lines 23-30).

***Allowable Subject Matter***

7. The following is a statement of reasons for the indication of allowable subject matter:

In addition to the teachings of the claims 1-3 as a whole, the closest prior art of record failed to teach or suggest, "a coloring material combination determining step for determining a combination of said coloring materials with respect to variation of glossiness based on the relations obtained in said first through third relation obtaining steps."

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5285246 to Danzuka et al disclose image forming method.

U.S. Patent No. 5915144 to Ide et al disclose image forming method for color image.

U.S. Patent No. 5619319 to Muraoka disclose apparatus for measuring color and glossiness of a sample.

U.S. Patent No. 5550632 to Harata disclose method for gloss and brightness evaluation of film.

U.S. Patent No. 6294302 to Serizawa et al disclose toner and image forming method.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>.

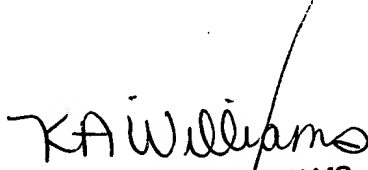
Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

***Patent Examiner***

Beniyam Menberu

BM

09/05/2005

  
KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER